THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 21094 of 2007

Date:09-10-2007

Between:

N.K. Agarwal and three others

...

Petitioners

AND

The Gram Panchayat, Annaram village, Jinnaram mandal and another

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Respondents

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ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents in not considering the representation of the petitioners, dated 14.06.2006 for the purpose of sanctioning of layout of the land in Sy.No.261 admeasuring Ac.65.26 guntas situated at Annaram village, Jinnaram mandal, Medak District, as illegal and arbitrary.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

It is the case of the petitioners that they have purchased agricultural lands admeasuring Ac.65.27 guntas in Sy.No.261 situated at Annaram village, Jinnaram mandal, Medak District by various sale deeds from 1985 to 2006. It is further stated that the petitioners wanted to develop the said land by converting in to residential plots and accordingly, they made an application on 14.06.2006 for approving the layout before the first respondent. It appears that the proposed lay out was sent to the Director of Town and Country Planning and Director of Town and Country Planning vide is letter L.Dis.No.7270/2006/H2, dated 25.08.2006 directed the Extension Officer, Panchayat Raj and Rural Development Department, Mandal Parishad Office, Jainnaram mandal to submit the particulars relating to encumbrance certificates for the total extent of Ac.65.26 guntas, gram panchayat resolution, land conversion certificate, lay out plan duly attested by the applicant and indicating the width of existing roads, status of 60 feet x 60 feet road shown along with the boundary and destinations and patta pass book etc. He was also requested to advise the applicant to furnish the

necessary information. Thereafter, the necessary information was furnished to the Director of Town and Country Planning vide letter No.28/2006/07, dated 04.09.2006.

As the application of the petitioners has already been forwarded by the respondents to the Director of Town and Country Planning and as per the letter of the Director of Town and Country Planning, dated 25.08.2006, resolution of the gram panchayat has to be submitted along with the proposals for the lay out forwarded by the gram panchayat. This is not a writ petition filed seeking a direction to the respondents to pass a resolution. But, the grievance of the petitioners is that the gram panchyat is not considering the representation of the petitioners, dated 14.06.2006. In fact, the representation of the petitioners, dated 14.06.2006 has already been considered and the proposals have been sent to the higher authorities and it is for the petitioners and the gram panchayat to comply with the objections and furnish information to the authority concerned and therefore, I am unable to appreciate the contention of the petitioners to issue a writ of mandamus by declaring the action of the gram panchayat in not considering the said representation. The said representation is under consideration and therefore, no writ of mandamus can be issued.

As per A.P. Agricultural Land (Conversion For Non-Agricultural Purposes) Act, 2006 (for short 'the Act), no agricultural land in the State shall be put to non-agricultural purposes, without the prior permission of the competent authority. As per Section 4 of the Act, every owner or occupier of agriculture land shall have to pay a conversion fee for non-agricultural purposes, at the rate of 10% of the basic value of the land in areas as may be notified by the Government from time to time. As per Section 6 of the Act, if any agricultural land has been put to non-agricultural purpose without obtaining the

permission as required under Section 3, the land shall be deemed into non-agricultural purpose and upon such deemed conversion, the competent authority shall impose a fine of 50% over and above the conversion fee for the said land specified under Section 4 in such manner as may be prescribed and the authority competent to convert agricultural land for non-agricultural purpose is the Revenue Divisional Officer or any office to be notified by the Government.

The Gram Panchayat is not the authority to sanction the lay out but it can only consider and send the proposals to the authority concerned. In the instant case, the proposals have already been sent and it is for the petitioners and the gram panchayat to furnish the required information/particulars to the authority concerned. Without making the Director of Town and Country Planning as party, I am of the opinion that the petitioners are not entitled for any relief.

Accordingly, the writ petition is dismissed with liberty to approach the gram panchayat to pass a resolution and send the same to the authority concerned. No costs.

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V.ESWARAIAH, J.

Date:09.10.2007
ccm